



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S) : Vanden Heuvel, et al.
SERIAL NO. : 09/555,987
FILED : September 11, 2000
FOR : Methods and Compositions for Treating Diabetes
GROUP ART UNIT : 1617
EXAMINER : Sang Ming Hui

TECH CENTER 1600/2900

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Box 1450
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REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

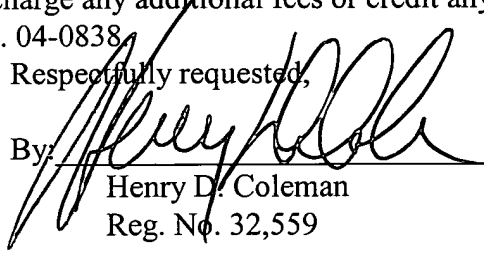
Sir:

This is a request for a continued examination under 37 C.F.R. 1.114 of the above identified application.

1. Enter the Previously Filed Amendment dated
 2. X A Preliminary Amendment/REsponse is enclosed.
 3. A substitute Specification is enclosed.
 4. X A check for the RCE fee of \$385.00 (small entity) is enclosed.
- The Director is hereby authorized to charge any additional fees or credit any overpayment to Deposit Account No. 04-0838.

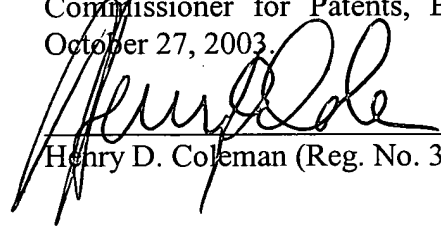
Respectfully requested,

October 23, 2003
Coleman Sudol Sapone P.C.
714 Colorado Avenue
Bridgeport, CT 06605-1601

By: 
Henry D. Coleman
Reg. No. 32,559

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Henry D. Coleman (Reg. No. 32,559)

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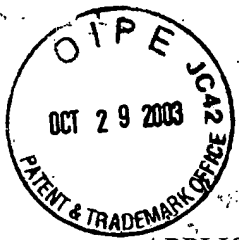
October 23, 2003

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Preliminary Amendment in Application

In response to the Examiner's advisory action of July 18, 2003, Applicants present the following arguments to the Examiner's rejection and requests the Examiner to reconsider the rejection of the instant application. The claims in the application, claims 1-22 remain pending in this application and are not amended pursuant to the presentation of this response. The specification has been previously amended to reflect government rights in the invention as a consequence of providing certain support for research into the present invention.

Applicants assert that the Examiner's rejection of the instant claims under 35 U.S.C. §103 is based upon an impermissible *hindsight* reconstruction of the teachings of the prior art, which is at best, completely *ambiguous*. Moreover, a clear reading of the Examiner's rejection in light of the current law, shows that the rejection is improper.

The following claims are pending in the present application:

1. (Original) A method of treating diabetes in an animal, said method comprising administering to said animal a therapeutically effective amount of conjugated linoleic acid.
2. (Original) The method of claim 1, wherein said conjugated linoleic acid is

Amendment/Response
S.N. 09/555,987
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